LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS
200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
http://www.in.gov/legislative

FISCAL IMPACT STATEMENT

LS 6947
BILL NUMBER: SB 345

NOTE PREPARED: May 1, 2009
BILL AMENDED: Apr 28, 2009

SUBJECT: Domestic Violence Programs and Indiana Protective Order Registry.

FIRST AUTHOR: Sen. Becker
FIRST SPONSOR: Rep. L. Lawson

BILL STATUS: Enrolled

FUNDS AFFECTED: **X**   GENERAL
  X   DEDICATED
  X   FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill transfers the administration of sexual offense services, domestic violence programs, the assistance to victims of human and sexual trafficking, the Domestic Violence Prevention and Treatment Council, the Domestic Violence Prevention and Treatment Fund, and the Family Violence and Victim Assistance Fund to the Criminal Justice Institute. The bill also makes conforming changes.

It repeals the current law concerning the Domestic Violence Prevention and Treatment Council, the Domestic Violence Prevention and Treatment Fund, and the Family Violence and Victim Assistance Fund.

The bill also establishes the Indiana Protective Order Registry and requires the Division of State Court Administration to create, manage, and maintain the Registry. It also requires a law enforcement agency that perfects service of a protective order to enter certain information into the Registry.

The bill requires the Division of State Court Administration to: (1) make the Protective Order Registry available so that county case management systems may interface with the Protective Order Registry by not later than December 31, 2009; (2) submit information concerning a standard protocol for county case management systems to each prosecuting attorney and court; and (3) develop standard protocols for the exchange of information by not later than December 31, 2009, between the Protective Order Registry and county court case management systems, for certain case management systems to interface with electronic traffic tickets, and between county case management systems and the case management system developed and operated by the Division of State Court Administration.

The bill requires a clerk of the circuit court to enter: (1) a case concerning a petition for an order for protection; and (2) a foreign protective order that is registered; into the registry.

Effective Date: June 30, 2009; July 1, 2009.

Explanation of State Expenditures: This bill relocates laws pertaining to the Domestic Violence Prevention and Treatment Council, Domestic Violence Prevention and Treatment Fund (DVPT Fund), and Family Violence and Victim Assistance Fund (FVVA Fund). The bill provides that the Indiana Criminal Justice Institute's (CJI) Division of Victims' Services will administer the Domestic Violence Prevention and Treatment Council. Currently, the Division of Family Resources (DFR) is responsible for administering the Council and the DVPT Fund. Furthermore, the DFR and the Treasurer of State are responsible for administering the FVVA Fund.

The statutory transfer of the FVVA and DVPT funds and the various functions and responsibilities of the DFR and Treasurer of State will not necessarily represent a fiscal impact to the state. Any costs that might be incurred from a physical relocation of offices and any expenditures that could be reduced because of operational efficiencies will depend upon administrative action.

The legislation repeals IC 12-18-3 which refers to the Council and moves the Council under the jurisdiction of the Division of Victims' Services. The legislation adds six members to the Council, which will increase expenditures to provide travel reimbursement and per diem. Increases in expenditures will depend on the additional travel and reimbursement requests submitted by the additional members of the Council, but should be small.

The bill also transfers two positions from DFR to CJI for the administration of sexual offense services, domestic violence programs, and assistance to victims of human and sexual trafficking offenses. CJI reports annual expenditures of approximately $160,000 per year to provide salary, fringe, and indirect costs associated with these two new positions. Any increase in CJI staffing expenditures for the two new positions should be offset by a reduction in DFR staffing expenditures. Changes in staffing expenditures will depend on any difference between the salary provided for these positions under CJI as compared to DFR.

Internet-Based Registry of Protective Orders- Staff in the Division of State Court Administration (DSCA) already operate this registry in 72 counties. This bill would increase the number of protective orders that would be in the statewide system, making them accessible for all law enforcement agencies in Indiana.

Interfacing with the Protection Order Registry- The bill requires DSCA to make the protective order registry available to county case management systems not later than December 31, 2009.

This will require DSCA to: (1) develop a standard protocol for county case management system interface with the protection order registry and (2) test the exchanged data to ensure accuracy and completeness. The expected impact to develop a standard protocol for the Protection Order Registry, electronic ticket system, and DSCA's court case management system is expected to be minimal as the work has already been initiated. However, DSCA estimates that each different prosecutor system or legacy court case management system with which the Division exchanges data will cost approximately $4,800 per system, per interface.

There are approximately 17 known local court case management systems and 2 prosecutor case management systems currently in use. DSCA would provide interfacing capabilities to these case management systems at the request of system administrators. The total increase in DSCA expenditures will depend on the number of case management system administrators that request interfacing capabilities with the Protection Order Registry operated by DSCA. The total estimated one-time cost to provide interfacing capabilities for these 19 systems is expected to be approximately $92,000.

Explanation of State Revenues:

Explanation of Local Expenditures: *Interfacing with the Protection Order Registry-* Local expenditures may increase to the extent vendors of county case management systems do not absorb the costs of providing interfacing capabilities between a county case management system and the protection order registry operated by DSCA. Additionally, local expenditures may increase to the extent that local system administrators request interfacing capabilities with the protection order registry. Increases in local expenditures are indeterminable.

Internet-Based Registry of Protective Orders- Making protective orders accessible through the Internet may increase the number of individuals who are found to be in violation of the terms of a protective order. Increases in violations of protective orders are unknown but expected to be small.

A person who violates a protective order commits "invasion of privacy". Invasion of privacy is a Class A misdemeanor for a first offense and a Class D felony if the person has a prior unrelated conviction. While the number of persons statewide who have violated a protective order is not known, some information is available for Marion County and from the Department of Correction (DOC). During CY 2008, the Marion County prosecuting attorney filed invasion of privacy charges against 67 defendants for Class D felonies and 371 defendants for Class A misdemeanors. Also during CY 2008, DOC reported 33 offenders were committed to DOC for a Class D felony for invasion of privacy; 10 of these were from Marion County.

The bill also changes administrative procedures related to protective orders. Under the bill, issued protective orders are required to be entered into the Protective Order Registry. This may increase administrative work to the extent these orders are currently not entered into the registry.

If local units begin entering protective orders into the Protective Order Registry, it should be noted that utilizing the Protective Order Registry may be more efficient than current practice and may result in decreases of administrative work. Any decrease in administrative work is unknown but is expected to be small.

Explanation of Local Revenues:

State Agencies Affected: CJI; DFR; DSCA.

Local Agencies Affected: Local law enforcement, county sheriffs, local courts.

Information Sources: Neil Moore, CJI, 232-2560; DOC Offender Data Bases; *Indiana Department of Correction 2007 Researched Cost of Global Positioning Systems Submitted to the Legislative Council*; Indiana Probation Report, 2007; Marion County Court Administrator; Mary DePrez, Director and Counsel for Trial Court Technology, Indiana Supreme Court Division of State Court Administration; Website for protective order registry – http://www.in.gov/judiciary/jtac/programs/poregistry.html.

Fiscal Analyst: Bill Brumbach, 232-9559.